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DATE MAILED: 06/19/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
09/593,076	06/13/2000	Barry E. Willner	BOC9-1999-0075/1963-7376	7107	
75	90 06/19/2003				
Joseph C Redmond Jr Esq			EXAMINER		
Morgan & Finne 345 Park Avenu	egan LLP	RODRIGUEZ, ARMANDO			
New York, NY	10154-0053		ART UNIT	PAPER NUMBER	
			2828		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application N. Applicant(s)						Da-			
Examin r Art Unit Armando Rodriguez 2828	. •		Applic	ation N .	Applicant(s)				
Armando Rodriguez 2828			09/59	3,076	WILLNER ET AL.				
Preiod for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Entensions of item may be evaluated under the provisions of 3 CPR 1.158(a). In ro event, however, may a suply be timely filed Entensions of item may be evaluated and of 3 CPR 1.158(a). In ro event, however, may a suply be timely filed If the period for reply appendix above its less time a thirty (30) days, a righty within the statutory minimum of thinty (30) days, will be considered timely. If the period for reply is paperida dows, the maximum altabory period will appear will only a six (MONTHS from the mailing date of this communication. Favore in righty within the set of extended princip for righty with by statutory period will appear will be provided to the communication. Favore in right within the set of extended princip for righty with by statutory period will appear will be considered from the communication. Favore in right within the set of extended princip for the set mailing date of the communication. Favore in right within the set of extended princip for the set mailing date of the communication. Favore in right within the set of extended princip for the set mailing date of the communication. Favore in right within the set of the communication of the communication of the constitution of the communication of the provided principle for the provided principle for the provided principle for the foreign principle for the principle for the foreign principle for the principle foreign principle for the principle foreign principle foreign principle foreign principle foreign principle foreign	•	Offic Action Summary	Exami	in r	Art Unit				
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THE MAILING DATE OF THIS COMMUNICATION. - Extensions of the map be available under the provides of 3rd First 134(a). In no event, however, may a reply the timely filed after 5X (8) MCNT IS from the mailing date of this communication. - Extensions of the map be available under the provides of 3rd First 134(a), in no event, however, may a reply the timely filed after 5X (8) MCNT IS from the mailing date of this communication. - If the provides of the map are available under the mailing date of this communication. - Fallure to reply visition the set or extended principle or reply visition the set of the communication. - Fallure to reply visition the set of extended principle or visition of the provided principle or reply visition the set of the communication. - Fallure to reply visition the set of communication of the provided principle or reply visition to the principle or reply visition of Claims (a)			nication appears on	the c ver sheet w	th the correspondence add	ress			
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-21 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved by disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121. Attachment(s) Information Discourse Statement(s) (PTO-1449) Paper No(s) 5) Notice of Informal Patent Application (PTO-152)	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 								
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Art Unit: 2828

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-21 have been considered but are most in view of the new ground(s) of rejection.

Allowable Subject Matter

The indicated allowability of claims 4,8-11,13,15-21 is withdrawn in view of the newly discovered reference(s) to Nagano, lizuki and Strickland et al. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 21 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 does not define "an area on a patient", as such the use of "patient" encompasses a human being.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

⁽b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagano Toshiharu (JP 06-021893).

Figure (a) illustrates a beam transmission unit (1) having an RB1 beam for detecting obstacles, which may interrupt a main information transmission beam LB transmitted toward receiving unit (3). Upon interruption of RB1 by an obstacle the transmission of the main beam is stopped, as described in the abstract.

Figures 8(a) and 8(b) illustrates the transmission unit has having the RB1 encircled about the main beam LB, where the receiving unit has the same configuration for detecting an obstruction of the RB1 beam.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 4-6,8-11,13-15,18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagano Toshiharu (JP 06-021893) in view of Strickland et al (Applied Optics, 1999) and Iizuki (JP 61-234636).

Regarding claims 4,6,8,9,10,11,13,15,18-20,

Figure 7(a) illustrates a beam transmission unit (1) having an RB1 beam for detecting obstacles, which may interrupt a main information transmission beam LB transmitted toward receiving unit (3). Upon interruption of RB1 by an obstacle the transmission of the main beam is stopped, as described in the abstract.

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Figures 8(a) and 8(b) illustrates the transmission unit has having the RB1 encircled about the main beam LB, where the receiving unit has the same configuration for detecting an obstruction of the RB1 beam.

Figure 4 illustrates a lens system for coupling the RB1 beam to detectors (371) and the LB beam to detector (331).

Nagano does not disclose using segmented lenses.

Nagano discloses the claimed invention except for the segmented lenses. It would have been an obvious matter of design choice to use segmented lenses for coupling the RB1 beam and the LB beam to the detectors, since applicant has not disclosed that the segmented lenses solve any stated problem and it appears that the invention would perform equally well in the lenses suggested by Nagano.

Regarding claim 5,14

Nagano is silent as to detecting climatic conditions.

Strickland et al discloses experiments conducted to determine and detect bit error rate of a signal transmission beam caused by climatic conditions.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to apply the teachings of Strickland et al to the beam transmission system of Nagano to detect any attenuations of the beam caused by climatic conditions.

Regarding claims 7,16 and 17,

Nagano is silent as to a buffer circuit for an input signal prior to shutdown.

lizuki discloses temporarily storing data in a memory device when communication is

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incapable and transmitting the stored data by using the time of normal intermittent communication after restoration.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to apply the teachings of lizuki of storing information when the transmission beam LB of Nagano when the beam is interrupted because it would restore the signal prior to the interruption.

Regarding claim 12,

Figure 7(a) illustrates a beam transmission unit (1) having an RB1 beam for detecting obstacles, which may interrupt a main information transmission beam LB transmitted toward receiving unit (3). Upon interruption of RB1 by an obstacle the transmission of the main beam is stopped, as described in the abstract.

Figures 8(a) and 8(b) illustrates the transmission unit has having the RB1 encircled about the main beam LB, where the receiving unit has the same configuration for detecting an obstruction of the RB1 beam.

Figure 4 illustrates a lens system for coupling the RB1 beam to detectors (371) and the LB beam to detector (331).

Nagano does not disclose using segmented lenses.

Nagano discloses the claimed invention except for the segmented lenses. It would have been an obvious matter of design choice to use segmented lenses for coupling the RB1 beam and the LB beam to the detectors, since applicant has not disclosed that the segmented lenses solve any stated problem and it appears that the invention would perform equally well in the lenses suggested by Nagano.

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Nagano is silent as to a buffer circuit for an input signal prior to shutdown.

lizuki discloses temporarily storing data in a memory device when communication is incapable and transmitting the stored data by using the time of normal intermittent communication after restoration.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to apply the teachings of lizuki of storing information when the transmission beam LB of Nagano when the beam is interrupted because it would restore the signal prior to the interruption.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Armando Rodriguez whose telephone number is (703) 308-6218. The examiner can normally be reached on 10-hour day / M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-4881.

Armando Rodriguez

Examiner
Art Unit 2828

Paul Ip Supervisor Art Unit 2828

AR/PI

June 16, 2003